

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RANDY BONITO AND BRIAN CESPEDES ON  
BEHALF OF THEMSELVES AND ALL OTHER  
SIMILARLY SITUATED,

Case No.  
10-Cv-3606(NRB)

**AFFIDAVIT  
OF MAILING**

v.

AVALON PARTNERS, INC. AND VINCENT AU,

-----X  
STATE OF NEW YORK )  
                      )  
                      )      ss.:  
COUNTY OF NEW YORK )

DI CONG JIANG, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides in Sunnyside, New York.

On May 19, 2010, deponent served the within NOTICE OF ADDITIONAL SERVICE IN COMPLIANCE WITH CPLR 3215 (g)(4)(i) along with a copy of the First Amended Summons in a Civil Action and First Amended Complaint & Copy of Affidavit on Secretary of State upon the defendant in this action at:

AVALON PARTNERS, INC.  
30 BROAD STREET, 24<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10004

This being the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository mailbox maintained at 233 Broadway, New York, NY 10279 under the exclusive care and custody of the United States Postal Service within the State of New York.

  
DI CONG JIANG

Sworn to before me this  
20<sup>th</sup> day of May, 2010

  
Notary Public

Gabriela Galindo  
Notary Public, State of New York  
No. 01GA6187899  
Qualified in Queens County  
Commission Expires 6/02/2012

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RANDY BONITO AND BRIAN CESPEDES ON  
BEHALF OF THEMSELVES AND ALL OTHERS  
SIMILARLY SITUATED,

V.

-----X  
**NOTICE OF ADDITIONAL  
SERVICE IN  
COMPLIANCE WITH  
CPLR 3215 (g)(4)(i)**

AVALON PARTNERS, INC. AND VINCENT AU

Case No. 10-Cv-3606 (NRB)

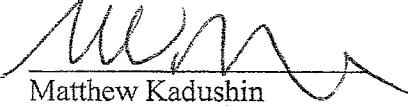
-----X

**PLEASE TAKE NOTICE**, that pursuant to CPLR 3215 (g)(4)(i), annexed hereto is an additional service of the First Amended Summons in a Civil Action and First Amended Complaint which was previously served upon Avalon Partners, Inc. pursuant to Business Corporation Law 306(b) on May 13, 2010.

Dated: NEW YORK, NEW YORK  
May 18, 2010

Yours, Etc.,

JOSEPH, HERZFELD, HESTER &  
KIRSCHENBAUM LLP

By: 

Matthew Kadushin  
757 Third Avenue, 25<sup>th</sup> floor  
New York, New York 10017  
Telephone: (212)688-5640

TO: AVALON PARTNERS, INC.  
30 BROAD STREET, 24<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10004

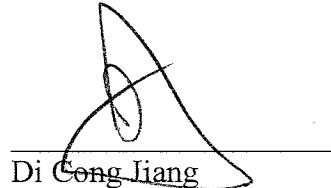
Di Cong Jiang, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at Sunnyside, New York.

On May 19, 2010, deponent served the within **NOTICE OF ADDITIONAL SERVICE IN COMPLIANCE WITH CPLR 3215 (g)(4)(i)** upon the attorney(s) and/or the defendant(s) in this action at:

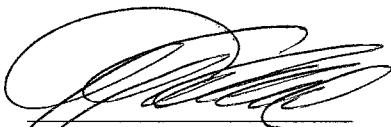
AVALON PARTNERS, INC.  
30 BROAD STREET, 24<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10004

this being the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository mailbox maintained at 233 Broadway, New York, New York 10279 under the exclusive care and custody of the United States Postal Service within the State of New York.



Di Cong Jiang

Sworn to before me this  
19<sup>th</sup> day of May, 2010

  
Notary Public  
Gabriela Galindo  
Notary Public, State of New York  
No. 01GA6187899  
Qualified in Queens County  
Commission Expires 6/02/2012

Notary Public

United States District Court  
Southern District of New York

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Randy Bonito and Brian Cespedes on behalf of  
themselves and all others similarly situated,

**AFFIDAVIT OF SERVICE**

Plaintiff(s)  
-against-

Case No. 10 CV 3606  
Date Filed 5/6/2010

Avalon Partners, Inc. and Vincent Au,

Defendant(s)

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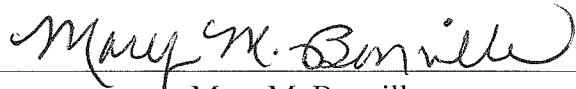
State of New York )

ss:

County of Albany )

Mary M. Bonville, being duly sworn, deposes and says:

Deponent is over the age of eighteen and is a resident of New York State and is not a party to this action. That on May 13, 2010 at approximately 3:50 PM deponent served the following specific papers pursuant to Section 306 of the Business Corporation Law, First Amended Summons in a Civil Action and First Amended Complaint, that the party served was Avalon Partners, Inc., a domestic business corporation, the defendant in this action, by personally serving two copies of the aforesaid papers at the office of the NYS Secretary of State located at 99 Washington Avenue, 6th Floor, in the City of Albany, New York by delivering to and leaving the papers with Chad Matice, a white male with black hair, being approximately 21-35 years of age; height of 5'9" - 6'0", weight of 180-200 lbs., being an authorized person in the Corporation Division of the Department of State and empowered to receive such service. That at the time of making such service, deponent paid the fee prescribed by Law in the amount of \$40.00.



Mary M. Bonville

Sworn to before me this 13<sup>th</sup> day of May, 2010



David J. Gentile

Notary Public — State of New York  
Qualified in Albany County  
Registration No. 01GE6064647  
Commission Expires: 10-01-2013



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To: AVALON PARTNERS, INC.  
30 BROAD STREET, 24TH FLOOR  
NEW YORK, NEW YORK 10004

May 19, 2010

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May 19, 2010

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